



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: November 3, 2004

REPORT NO. P-04-172

ATTENTION: HEARING OFFICER

SUBJECT: **SAND BAR & GRILL -  
PROJECT NO. 5470**

LOCATION: 718 Ventura Place

APPLICANT/  
OWNER: Mark Cirillo/Antoinette and John Lococo

### SUMMARY

Requested Action - Should the Hearing Officer approve, approve with modifications, or deny Variance No. 9020?

Staff Recommendation - Deny Variance No. 9020.

Community Planning Group Recommendation – On February 15, 2003, the Mission Beach Precise Planning Board, on a vote of 7-2-2, recommended denial of the variance.

Environmental Review - The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15303.3.

### BACKGROUND

The proposed project site is located within the Mission Beach Planned District in the Visitor Commercial – South area at 718 Ventura Place (Attachment 1). The Mission Beach Community Plan designates the site for Visitor Commercial development consistent with the VC-S zone regulations. The project site is bounded by Belmont Park to the south, residential to the north, and commercial west and east. (Attachment 2). The urbanized site is not inside or adjacent to the Multi-Habitat Planning Area (MHPA).

## DISCUSSION/ANALYSIS

The request for a variance is to allow an existing fenced patio dining area be maintained with a fence height of six feet where the zoning regulations allow a maximum fence height of three feet. No additional development is proposed with this application. The project site is located at 718 Ventura Place in the VC-S zone within the Mission Beach Planned District in the Mission Beach Community Plan in Council District 2.

This application was submitted to the Development Services Department as a result of a Code Violation, Case No. 90557, filed May 20, 2002. City staff has fully reviewed and considered the materials submitted with the application, including draft findings of approval provided by the applicant. City staff does not find substantial evidence in the record to support the necessary findings to recommend approval of the variance.

### Community Planning Group motion

The Mission Beach Precise Planning Board voted to deny the request for Variance for an extended structure height above the allowed three foot front yard height limit, including awnings.

The Board recognizes the Ventura Place district as the main gateway into Mission Beach. In the past, issues have arisen with regard to the placement of sale/rental items into the pedestrian walkway along Ventura Place obstructing the pedestrian path of travel. The Mission Beach Precise Planning Board believes a negative precedent would be set by granting the variance and affect future development of the area as well as the safe and efficient access from Mission Blvd. to Ocean Front Walk. The planning board believes the findings to grant the variance cannot be met as required by Municipal Code §126.0805.

## CONCLUSION

Staff has reviewed the request for a variance to allow a patio dining area surrounded by a three foot high wooden fence with three foot high glass panels on top of the fence and finds the project does not conform to the applicable sections of the San Diego Municipal Code regulating uses and development. Staff has determined the development is inconsistent with the commercial land use regulations of the Mission Beach Planned District, the Mission Beach Precise Plan and the policies of the Mission Beach Community Plan, has determined the required findings can not be made and recommends denial of the variance (Attachment 3).

## ALTERNATIVES

1. Approve Variance No. 9020, with modifications.
2. Approve Variance No. 9020, if the findings to approve the variance can be made.

Respectfully submitted,

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John S. Fisher  
Development Project Manager

Attachments:    1. Project Location Map  
                      2. Community Plan Land Use Map  
                      3. Draft Resolution with Findings of Denial  
                      4. Ownership Disclosure Statement  
                      5. Project Chronology

Job Order Number 3105